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W.P.No.2617 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.2617 of 2025

1.S.Vasantha
2.P.Balabaskar
3.P.Kowshik Prasanna

... Petitioners

Vs.

1.The Secretary To Government
Housing And Urban Development Department,
Government Of Amilnadu, Secretariat, Chennai-600 009

2.The Managing Director
Tamilnadu Housing Board, No.493, Anna Salai,
Nandanam, Chennai-600 035

3.The Executive Engineer
And Administrative Officer, K.K.Nagar Division,
Tamilnadu Housing Board,
C-48, T.N.H.B.Commercial Complex,
Anna Nagar, 2nd Avenue Chennai-600 040

4.The Special Tahsildhar
Tamilnadu Housing Board, K.K.Nagar,
Division, Chennai

5.The Tahsildar
Maduravoyal Taluk, Nolambur,
Chennai District

...Respondents



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Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the 5th respondent to issue the Patta to the petitioners for their measuring 2700 in Plot Nos.202 and 203 comprised in S.No.127/2 of Nerukundaram Village, Maduravoyal Taluk, Chennai District with House thereon with E.B.Connection, and lying within the Registration District of Chennai south and Sub Registration District of Virugambakkam by considering the online application 28.11.2024.

For Petitioner : M/s.A.Ilayaperumal

For Respondents : M/s.A.Selvendran, Spl.GP,
for R.1, R.4 & R.5.

ORDER

Since the 1st petitioners' online application dated 28.11.2024, seeking the issuance of a patta with reference to the land comprised in Plot Nos.202 & 203 in S.No.127/2, measuring an extent of 2700 sq.ft. of Nerukundaram Village, Maduravoyal Taluk, Chennai District has not been considered by the 5th respondent on the ground of non production of NOC from the 1st respondent, the petitioners are before this Court.

2. The petitioners' contention is that earlier as per the directions



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issued by this Court in W.P.Nos.8633 to 8636 of 2020 dated 31.07.2020, the 5th respondent had issued patta to the similarly placed persons without insisting on the production of NOC from the Housing Board. Therefore, there is no impediment for the 5th respondent to issue patta in the name of the petitioners. However, the patta has not been issued by the 5th respondent to date. Therefore, the petitioners are before this Court.

3. Heard the learned counsel for the petitioners and the learned Spl.GP accepting notice for the respondents 1, 4 and 5.

4. It is seen that as per the directions issued by this Court in W.P.Nos.8633 to 8636 of 2020 dated 31.07.2020, the 5th respondent had earlier issued patta to the similarly placed person. Therefore, in the light of the above, these petitioners are also entitled to the similar relief and the same order shall be passed in the case of the present writ petitioners.

5. Accordingly, the Writ is allowed. A mandamus is issued to the 5th respondent to consider the 1st petitioner's representation dated 28.11.2024 for issuance of patta in respect of the subject property after issuing notice to all the interest parties and pattadars, hearing their objections and thereafter pass orders. In case of a rejection a speaking order shall be



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passed. The 5th respondent shall not insist the petitioners to produce “No Objection Certificate” from the 1st respondent. The said exercise shall be completed within a period of 3 months from the date of receipt of a copy of this order. There shall be no order as to costs.

29.01.2025

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

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P.T. ASHA. J.,



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